

IN THE UNITED STATES DISTRICT COURT
OR THE EASTERN DISTRICT OF CALIFORNIA

CARL DAVID WHITE,

Plaintiff, No. CIV S-04-2276 GEB GGH P

VS.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

On November 2, 2005, the court granted defendants' May 19, 2005, motion to dismiss with leave amend with respect to the following claims: 1) imposition of the R suffix caused plaintiff to suffer from increased risk to safety as to defendants Rhodes and Jett; 2) the claims against defendants Ceaglio and Schroers based on plaintiff's failure to link these defendants to the alleged deprivations. The court granted plaintiff thirty days to file a second amended complaint.

Thirty days passed and plaintiff did not file a second amended complaint. Accordingly, for the reasons stated in the November 2, 2005, the court recommends that these claims against defendants Rhodes, Jett, Ceaglio and Schroers be dismissed.

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Accordingly, IT IS HEREBY RECOMMENDED that the remaining claims against defendants Rhodes, Jett, Ceaglio and Schroers be dismissed.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
8 shall be served and filed within ten days after service of the objections. The parties are advised
9 that failure to file objections within the specified time may waive the right to appeal the District
10 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: 1/18/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWSS
UNITED STATES MAGISTRATE JUDGE

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